

**MINUTES  
of the  
THIRD MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 10, 2006  
Destiny Center  
Rio Rancho**

**August 11, 2006  
Student Union Building, Ballroom C  
University of New Mexico  
Albuquerque**

The third meeting of the Courts, Corrections and Justice Committee for the 2006 interim was called to order by Senator Cisco McSorley, co-chair, and Representative Joseph Cervantes, co-chair, on Thursday, August 10, 2006, at 10:40 a.m. at the Destiny Center in Rio Rancho.

**Present**

Rep. Joseph Cervantes, Co-Chair  
Sen. Cisco McSorley, Co-Chair  
Rep. Gail Chasey  
Sen. Carroll H. Leavell (August 11)  
Sen. Richard C. Martinez  
Rep. Al Park  
Sen. Lidio G. Rainaldi  
Sen. H. Diane Snyder  
Sen. Leonard Tsosie (August 11)  
Rep. Peter Wirth  
Rep. Eric A. Youngberg (August 11)

**Advisory Members**

Rep. Hector H. Balderas (August 10)  
Sen. Kent L. Cravens  
Sen. Linda M. Lopez  
Rep. W. Ken Martinez (August 11)  
Sen. William H. Payne (August 11)  
Rep. Jane E. Powdrell-Culbert  
Rep. Bill Rehm  
Sen. John C. Ryan  
Rep. Sheryl Williams Stapleton  
Rep. Thomas E. Swisstack (August 10)  
Sen. James G. Taylor (August 10)

**Absent**

Sen. Rod Adair  
Rep. Thomas A. Anderson

Sen. Ben D. Altamirano  
Sen. Mary Jane M. Garcia  
Sen. John T.L. Grubesic  
Sen. Clinton D. Harden, Jr.  
Sen. Gay G. Kernan  
Sen. Gerald Ortiz y Pino  
Sen. Michael S. Sanchez  
Rep. Mimi Stewart

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Maha Khoury  
Evan Blackstone  
Lindsey Bilovesky

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Thursday, August 10****Call to Order**

Senator McSorley, co-chair, and Representative Cervantes, co-chair, welcomed committee members and guests. Representative Thomas E. Swisstack was appointed as temporary chair of the meeting and he welcomed the committee to his hometown.

**Committee Business**

A motion was made and seconded to approve the minutes of the July meeting. The minutes were approved without objection.

**Juvenile Detention Alternatives Initiative**

Douglas Mitchell, coordinator for the Juvenile Detention Alternative Initiative, described the initiative to the committee. He spoke about the logistics of the initiative, the benefits of the program, the progress made with youth and the challenges presented by youth committing crimes.

Dr. Nicole Morleand, researcher and statistician for Bernalillo County, presented positive statistics regarding youth involved in the Juvenile Detention Alternatives Initiative. She focused primarily on females, but recited statistics for all members involved.

Mr. Mitchell introduced three teens who are involved in the program, and they described their experiences. First, Nicole Montano, 15, explained that the program has provided her with better life opportunities that have stopped her from digging herself deeper into a life of crime. Next, Chris Pacheco, 19, described how the program is keeping him active and engaging his mind. Last, Richard Gamboa, 17, commented that the program keeps him working and out of trouble. Committee members asked questions and made comments to the youths.

Van Rocko, program coordinator for the Community Custody Program, and Yolanda Hall, also with the Community Custody Program, further described the program. They said that the supervision in the program is aggressive and that they try to adapt to the needs of families. They also described a G.P.S. bracelet that is used to monitor some of the youth in the program.

Senator McSorley and Representative Cervantes invited public comment. Committee members discussed possible solutions, made comments and asked questions of the panel.

The committee recessed for lunch at 1:00 p.m. and reconvened at 1:55 p.m.

### **Juvenile Justice Continuum Alliance**

Representative Jeannette O. Wallace introduced the Juvenile Justice Continuum Alliance and asked committee members for their support.

Judge Barbara J. Vigil, First Judicial District Court, emphasized the collaboration between many communities on the Juvenile Justice Continuum Alliance. Judge Vigil highlighted many different programs in counties and cities across New Mexico. She concluded by explaining the lack of funding for the program and requested funds from the legislature for the program.

Representative Jim R. Trujillo praised the program and asked the committee for a bill to increase funding for the initiative.

Jack Ortega, coordinator for the Juvenile Justice Continuum Alliance, further described the financial position of the program. He emphasized that money is not wasted but combined to address juvenile issues.

Committee members sought public comment. Dave Schmidt, chair of the Juvenile Justice Advisory Committee, added that federal funds for the program only last for three years and that funding from the legislature is needed to continue the program. Committee members discussed policy options and asked questions of the panel.

Upon motion made, seconded and unanimously approved, the committee directed staff to prepare and send letters to the governor and the Legislative Finance Committee in support of funding for the Juvenile Justice Continuum Alliance in the Regional Juvenile Services Act.

### **Restorative Justice Programs**

Thom Alena, managing partner, Innovations in Justice in Taos, and Bernadette Lauritzen, coordinator, Los Alamos County Restorative Justice Project, began by describing the concept of restorative justice. Mr. Alena explained that the process of restorative justice works to find common ground among the offender's interests, the victim's interests and the community's interests. He also highlighted the outcomes of restorative justice, which repair harm to victims, restore communities and assist youth in making better future choices. He described that current restorative justice juvenile diversion initiatives are being funded in Taos, Lincoln, Los Alamos, Chaves, Grant and Bernalillo counties. Mr. Alena stated that restorative justice programs address certain offenses, including property offenses, fighting and substance abuse offenses.

Mr. Alena explained that the Children, Youth and Families Department (CYFD) is looking at restorative justice as a potential program for kids who are released from the juvenile justice system. He pointed out that through restorative justice, communities can help with reintegration needs. He also stated that a legislative component will be needed for implementation of the program. The presenters showed the committee a video that focused on the benefits of a restorative justice program in Longmont, Colorado.

Senator McSorley asked for public comment. Committee members asked questions of the panel and discussed their support for including restorative justice into the juvenile justice system. At the request of the panel, Senator McSorley made a motion to send a letter to the CYFD and the Corrections Department supporting the integration of restorative justice with the juvenile and adult systems. The committee directed staff to include language in the letter that holds parents accountable and includes them in the restorative justice process. The committee approved this motion, with opposition from Senator H. Diane Snyder.

### **Update on Juvenile Justice and the New Mexico Boys' School**

Roger Gillespie, director, Juvenile Justice Services, CYFD, updated the committee on the facilities used in the state by juvenile justice programs, including Springer, Eagle Nest, Camp Sierra Blanca, La Placita, the J. Paul Taylor Center, the Youth Diagnostic and Developmental Center and contract facilities in Santa Fe and Farmington. He also went over several of the programs that are available for juveniles in New Mexico.

Ted Lovato, deputy director for Field Services, Juvenile Justice Services, CYFD, stood for questions with Mr. Gillespie.

Legislators clarified several issues and discussed policy options. Members questioned Mr. Gillespie and Mr. Lovato regarding CYFD's response to complaints about the J. Paul Taylor Detention Center in Las Cruces.

### **Recess**

The committee recessed at 5:20 p.m.

### **Friday, August 11**

#### **Call to Order**

Senator McSorley and Representative Cervantes reconvened the committee at 9:16 a.m. in Ballroom C of the Student Union Building at the University of New Mexico and welcomed members and guests. Representative Gail Chasey was appointed as the temporary chair for the first presentation.

#### **Election Day Registration**

Matt Brix, executive director for Common Cause New Mexico, briefly explained the concept of election day registration (EDR) to the committee. He highlighted that six states already have EDR.

Larry Ghan, county commissioner for Bannock County, Idaho, described EDR and his participation in Idaho's transition to EDR. He described that Idaho is a mostly rural state with a population of 1.3 million. He explained that Idaho's voting registration requirements include that a person must have been a resident in Idaho for at least 30 days prior to election day and that a photo identification is required for EDR. Mr. Ghan went on to address many of the questions and concerns about EDR and how the process has worked in Idaho. He explained that he knows

of no case where voter fraud is a problem, that EDR has worked to make voter registration more accurate and timely and that EDR encourages voter participation.

Committee members asked questions and expressed their concern with the logistics of an EDR program. Members also discussed recommendations and policy issues after hearing a response from state officials, including Ernie Marquez, director of the Bureau of Elections in the Secretary of State's Office; Mary Herrera, the Bernalillo County clerk; and Mark Montoya, election coordinator for Bernalillo County. Mr. Marquez commented that the Secretary of State's Office believes that EDR is necessary, but that other priorities currently need to be addressed within the election system.

### **Liquor Control Act: Proposed Regulations and Framework for New Regulations Announced by Governor Richardson the Previous Day**

Arturo L. Jaramillo, secretary of general services, and chair, Liquor Control Task Force, presented the final report of the Liquor Control Task Force created by Governor Richardson. He discussed the composition of the task force, the issues addressed, the meetings held and the final votes on recommendations. Recommendations of the task force included a reduction in the number of violations by a licensee before the license is revoked; that an intergovernmental conference be held on alcohol sales with the leadership of Indian nations, tribes and pueblos; that no change be made to the standard of "obvious intoxication" when citing licensees for serving to intoxicated patrons; and that legislation be proposed to allow local governing bodies to limit hours of operation by licensees within their jurisdiction. The announcement by the governor of the final rules adopted only one of the recommendations made by the task force, namely, that no change be made to the standard of evidence for intoxication.

Ray Sisneros, director of the Special Investigations Division of the Department of Public Safety, explained how his agency enforces the Liquor Control Act and the Tobacco Compliance Act. Mr. Sisneros presented statistics relating to alcohol and tobacco in New Mexico.

Joe Nestor Chavez from the American Beverage Institute and the New Mexico Grocers Association presented alternative solutions to help curb DWI. He suggested that consumer responsibility is most important. He proposed that server alcohol training courses should be more rigorous, that bars should be able to confiscate fake identifications and that mandated high school classroom instruction could help when consumer responsibility fails.

Carol Wight from the New Mexico Restaurant Association emphasized that the recommendations given by Mr. Jaramillo are not reflective of the entire Liquor Control Task Force. She pointed out that it is not illegal to be drunk, but it is a misdemeanor to serve an intoxicated person. She added that it is a petty misdemeanor for a minor to buy alcohol, but it is a fourth degree felony for businesses to serve minors. She stated that employees should not be working in a state of fear.

Senator McSorley and Representative Cervantes invited public comment. Many members of the public spoke. Committee members discussed possible solutions, made comments and asked questions of the panel.

**Adjournment**

The committee adjourned at 2:24 p.m.